

Control Board (State Board) based on their contention that there is no scientific or legal basis to impose a prohibition area for septic systems around Eagle Lake. In the interim, they asked that the State Board stay the effective dates in the cease and desist orders until the State Board has an opportunity to review their petitions on the merits.

II. DISCUSSION

Our regulations require a petitioner to allege facts and produce proof of three elements:

1. Substantial harm will result to the petitioner or the public interest if a stay is not granted;

2. There will be no substantial harm to other interested parties or to the public interest if a stay is granted; and

3. Substantial issues of law and fact have been raised in the petition. (Title 23, Cal. Code of Regs. Section 2053.)

On September 4, 1991, the State Board received evidence on the request for the stay. Testifying were petitioners, other landowners in the Stones-Bengard Tract, and a representative of the Lahontan Regional Board. The record indicates that there is substantial compliance with the Regional Board's cease and desist orders. Those who feel that they will have difficulty in complying with the cease and desist order should work with the Regional Board staff to achieve compliance.

III. CONCLUSION

Based upon the record before the State Board, the State Board finds that there will be no substantial harm to the petitioner or the public if the stay is not granted.

IV. ORDER

It is hereby ordered that the requests for stay are denied.

CERTIFICATION

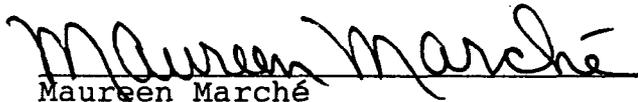
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 26, 1991.

AYE: W. Don Maughan
Edwin H. Finster
Eliseo M. Samaniego
John Caffrey

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marché
Administrative Assistant to the Board

10

11

12